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10/710,252

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Thomas D. Furland

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SUITE 304

ANNAPOLIS, MD 21401

EXAMINER

DICKERSON, TIFFANY B

ART UNIT

PAPER NUMBER

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/710,252

Applicant(s)

FURLAND ET AL.

Examiner

TIPHANY B. DICKERSON

Art Unit

3623

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

Introduction

1. This is a Non-Final Action in response to the application filed on June 29, 2004. Claims 1-20 are pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-14 are directed to a method, but the claim fails the machine-or-transformation inquiry. In order for a method to be considered a "process" under § 101, a claimed process must either: (1) be tied to a particular machine or (2) transform an article to a different state or thing *Diamond v. Diebr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). If neither of these requirements is met by the claim, the method is not a patent eligible process under §101 and is non-statutory subject matter. Claims 1-14 are rejected because the recited elements lack a tie to a particular machine and also fail to physically transform the underlying subject matter.

Claims 15-20 are rejected because they recite a "system," but fail to recite any associated structure of the apparatus. The body of claim 15 recites various "modules" for performing the underlying processes, but fails to point out a particular machine as a means for performing the tasks. This constitutes software per se, which is non-statutory per se. Claims 16-20 fail to add any additional structural limitations to bring the claims into compliance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 15-20, in the preamble claim 15 recites a system for “transferring test data from a supply chain to a demand chain,” the system comprising various features. The body of the claim, however, is not commensurate with understood definition of a system or apparatus. More specifically, the various recited elements fail to provide any structure and merely recite functionally descriptive material and abstract ideas. It is thereby unclear what structure the system is comprised of and how the various features combine to form a system or apparatus.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by *Dabbieri, et al., U.S.*

Patent Application Publication No. 2002/0013721.

Concerning claim 1, *Dabbieri* discloses a method of integrating data streams across a supply chain and a demand chain (Title and Abstract), said method comprising:

defining a trigger event (See ¶ 37, wherein translations or transformations occur either automatically or by user command);

storing business rules regarding reconciliation spans and exceptions in a database (See Fig. 1, Ele 124, discussed at ¶ 21) ;

performing transformations on said data streams and trigger event data (See ¶¶ 35-37, wherein data is translated into usable format after trigger event; See e.g., ¶ 45, wherein after a buyer's request, the appropriate supplier personnel is notified and a purchase order created);

performing a supply side reconciliation of said data streams and said trigger event data based on said business rules (See ¶46, i.e. performing certain validations, and further ¶47, particularly explaining supply side validation) and

performing a demand side reconciliation of said data streams and said trigger event data based on said business rules (See ¶46, i.e. performing certain validations and further acknowledging purchase order),

Concerning claim 8, Dabbiere discloses a method of transferring test data from a supply chain to a demand chain, said method comprising:

performing a supply side reconciliation of said test data and a demand side reconciliation of said test data upon the occurrence of a trigger event in said supply chain to produce reconciled data (See ¶46, i.e. performing certain validations, and further ¶¶ 47 and 57) and;

processing said reconciled data through a rules database to produce entitled test data (See ¶ 28, lines 8-14, wherein users have ability to control visibility of and access certain data); and See also ¶ 66, i.e. manger can view entitlements by logging in to view the Bill of Lading);

verifying that said entitled test data is supplied to selective points in said demand chain (See ¶ 65, wherein supply side (i.e. sales manager) confirms the customer receipt of goods shipped).

Concerning claim 15, Dabbiere discloses the system for transferring test data from a supply chain to a demand chain, said system comprising:

a trigger event monitor (See ¶ 37, wherein translations or transformations occur either automatically or by user command);

a supply side reconciler in communication with said trigger event monitor, and being adapted to perform a supply side reconciliation of said test data upon the occurrence of a trigger event (See ¶46, i.e. performing certain validations, and further ¶47, particularly explaining supply side validation);

a demand side reconciler in communication with said trigger event monitor, and being adapted to perform a demand side reconciliation of said test data upon the occurrence of a trigger event (See ¶46, i.e. performing certain validations and further acknowledging purchase order); and

a rules database in communication with said supply side reconciler and said demand side reconciler, and being adapted to produce entitled test data based on said supply side

reconciliation and said demand side reconciliation and to verify that the said entitled test data is supplied to selective points in said demand chain (Fig. 1, Ele. 124, discussed at ¶21).

Concerning claims, 2, 9, and 16, Dabbiere discloses the methods and system of claims 1, 8, and 17, wherein said supply side reconciliation process comprises reconciling said trigger event data with said data streams (See ¶ 47, i.e., actual inventory supply side check and visual alert; See also, ¶ 49, i.e. order update/approval).

Concerning claim 3, 10, and 17, Dabbiere discloses the method in claims 1, 8, and 17,

wherein said trigger event comprises notification of goods being sent from a point in said supply chain (See ¶ 59, i.e., reporting quantities and status updates within the factory; See also ¶ 63, wherein shipper posts updates);

wherein and said supply side reconciliation determines whether a data stream associated with said goods is consistent with said notification (See ¶ 65, wherein supply side (i.e. sales manager) confirms the customer receipt of goods shipped).

Concerning claim 4, 11, and 18, Dabbiere discloses the methods and system of claims 1, 8, and 17, wherein said demand side reconciliation process comprises determining whether said data streams are complete and whether said data streams were sent to said demand chain (See ¶ 66, wherein retail buyer manager can view the Bill of Lading to view when their personnel took possession of the goods).

Concerning claim 5, 12, and 19, Dabbiere discloses the method in claims 1, 8, and 17, wherein said processes of performing said supply side reconciliation and said demand side reconciliation are

one of: selectively delayed a predetermined period after said trigger event (See ¶ 59, wherein alert is delayed until after status reaches a criteria, in this case 80%); and selectively advanced a predetermined period before said trigger event.

Concerning claim 6, 13, and 20, Dabbiere discloses the methods and system of claims 1, 8, and 17,

wherein said data streams relate to a component of a device being manufactured in said supply chain (See ¶¶ 56 and 59, i.e., Tommy Hilfiger products being manufactured in a factory) and

wherein said data streams are supplied one of after said component is completed and during the manufacturing of said component (See ¶¶ 60-62, wherein product and associated data is exchanged from factory-to-shipper-to-supplier distribution center-to-shipper-to-retail distribution center).

Concerning claim 7 and 14, Dabbiere discloses the methods in claim 1 and 8, wherein supply side reconciliation and said demand side reconciliation include a process of correcting said data streams (See ¶ 56, wherein the system updates the additional request in its own database to indicate that it has been accepted).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. *Bhaskaran et al.*, U.S. Patent No. 6,157,915, discloses a collaboration technology for implementation in a supply chain network that delivers information and decision support in a role sensitive manner. *Bickley et al.*, U.S. Patent No. 6,816,746, discloses a remote monitoring system with

the ability to share information amongst players in the supply chain. *Ridgenay et al*, U.S. Patent Application Publication No. 2004/0019494 discloses a system for sharing information relating to supply chain transactions and marketing data in either sell-side or buy-side environments. *Scheer*, U.S. Patent Application Publication No. 2002/0143598 discloses a supply chain transaction network containing a customer agent server hosting a collection of intelligent customer agents for interfacing with and extracting information from systems, e.g., condition (i.e., trigger) monitoring systems, order management systems, equipment knowledge base systems, logistics management systems, and inventory management systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIPHANY B. DICKERSON whose telephone number is (571)270-7048. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571)272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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TIPHANY B. DICKERSON

Examiner

Art Unit 3623

December 23, 2008

/Beth V. Boswell/

Supervisory Patent Examiner, Art Unit 3623